

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RUDERSDAL, EOOD, et al.,	:	
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Plaintiffs,	:	1:18-cv-11072-GHW-RWL
	:	
-v -	:	<u>ORDER</u>
	:	
PHILIP ROBERT HARRIS, et al.,	:	
	:	
Defendants.	:	
	:	
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GREGORY H. WOODS, United States District Judge:		

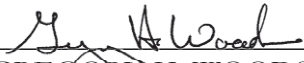
On April 6, 2023, Judge Lehrburger ordered the parties in this recently returned case to provide the Court with an update and proposed case schedule and plan by April 20, 2023. Dkt. No. 444. In lieu of filing those documents, on April 19, 2023, Plaintiffs filed a notice of stipulation of voluntary dismissal purporting to “dismiss this matter at this time without prejudice.” Dkt. No. 445 at 1. After the Clerk of Court noted deficiencies with that filing, *see* April 20, 2023 Dkt. Entry, Plaintiffs re-filed a stipulation of voluntary dismissal that had been filed as to some but not all defendants in October 2022. Dkt. No. 446.

Federal Rule of Civil Procedure 41(a)(1)(A) provides for voluntary dismissal of an action without court order by filing “(i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment” or “(ii) a stipulation of dismissal signed by all parties who have appeared.” More than one party has answered but not signed a stipulation of dismissal, *see* Dkt. No. 88 (answer of Elena Zdravkova Kostadinchev and Stanislav Georgiev Lyutov), and not all parties who have appeared have signed a stipulation of dismissal. Plaintiffs’ recent filings thus do not meet the requirements for dismissal under Rule 41(a)(1). If Plaintiffs wish to dismiss this case, they should file a notice of voluntary dismissal that satisfies Rule 41(a)(1)’s requirements or move the Court for dismissal under Rule 41(a)(2).

Accordingly, the Court orders Plaintiffs to file no later than May 1, 2023, either (i) a voluntary dismissal that satisfies the requirements of Rule 41(a)(1), (ii) a motion to dismiss under Rule 41(a)(2), or (iii) the status letter and proposed case schedule and plan required by Judge Lehrburger's April 6, 2023 order, Dkt. No. 444.

SO ORDERED.

Dated: April 24, 2023
New York, New York



GREGORY H. WOODS
United States District Judge